

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.7200 OF 2022

Smt. Sulan Babasaheb Dhole .. Petitioner
Age. 27 years, Occupation : Nurse,
R/at Dhole Vasti, Imamkur Road,
Barshi Naka, Beed.

Versus

1. The State of Maharashtra .. Respondents
Through the Divisional Dy. Director
of Education,
Near Bhadkal Gate, Meapa Building,
Aurangabad – 431001.
2. The Education Officer (Secondary)
Zilla Parishad, Beed.

Mr.R.P. Karhadkar, Advocate for the petitioner.
Mr.S.G. Karlekar, AGP for the respondents/State.

**CORAM : RAVINDRA V. GHUGE &
ANIL L. PANSARE, JJ.
DATED : 11.07.2022**

JUDGMENT : [PER : ANIL L. PANSARE,J.] :-

01. Rule. Rule made returnable forthwith and heard finally with the consent of the parties.

02. The petitioner has putforth prayer clause “A”, which reads as under :-

“A] That this Hon’ble Court may kindly be pleased to issue a Writ of Certiorari or Mandamus or a Writ in the nature of Certiorari or Mandamus or any other appropriate writ, order or direction as this Hon’ble Court deems fit under circumstances so as to meet ends of justice and the Hon’ble Court may call for the records pertaining to the correction in the caste of the Petitioner from Hindu-Maratha Kunbi to Hindu-Maratha and the correction be made accordingly without any delay; and for that purpose issue necessary directions as this Hon’ble Court deems fit under the circumstances.”

03. Thus, the petitioner is seeking correction in the school records. The correction, as is reflected from the petition and the prayer, is that the caste of the petitioner is sought to be changed from Hindu-Maratha Kunbi to Hindu-Maratha. The petitioner has passed her Secondary School Certificate Examination in March, 2010 and Higher Secondary Certificate Examination in February, 2012. In the school register, so also in the leaving certificate, the caste of the petitioner is mentioned as Hindu-Maratha Kunbi.

04. The petitioner has come up with a case that she has now realized that a mistake has been committed while entering her caste while taking admission in the school. The said mistake is said to be an inadvertent

mistake. The respondent/authorities have refused to correct the entry by relying upon Rule 26.4 of the Secondary School Code [for short “the S.S. Code”].

05. The relief sought by the petitioner will have to be considered in the light of the judgment passed by the Full Bench of this Court in the case of **Janabai d/o. Himmatrao Thakur Vs. State of Maharashtra & Others, 2019(6) Mh.L.J.769**. The Division Bench vide order dated 30.06.2017 had referred to the Full Bench the questions relating to scope of applications made for alteration, change or correction in the name, surname, date of birth, caste or other entries in the General Register in terms of clause 26.3 and 26.4 of the S.S. Code. The answers rendered to the questions would be relevant to decide the relief sought in the present petition. The Full Bench in paras 38 and 39 of the judgment has held as under :-

“38. Thus, any change which has to be effected in the school register, has to be done within the parameters as emerge from the language of Clauses 26.3 and 26.4 of the S.S. Code as indicated above.

39. This being the position, We answer Question Nos.(A) & (C) in the following terms :

(a) An application for alteration in the entries in the General Register is permissible, with the previous

permission of the appropriate authority at any time when the pupil is attending the school.

(b) No application for alteration in the figure of date of birth is permissible, after the student has left secondary school, except correction in the nature of 'obvious mistakes' as indicated in Clause 26.3 i.e. of a nature where the date of a particular month which does not exist in the calendar and likewise.

(c) Thus, in light of the above, an application for change in the name, surname or caste, either due to reasons / cause unnoticed before or even occurring subsequently, being errors which fall within the category of 'obvious mistakes', can be made, even after the student has left school in light of the language of Clause 26.3 in the manner as indicated by Appendix Six in the forms as prescribed in the S.S. Code.

(d) For the purposes like admission to another educational institution, in cases of obvious mistakes as prescribed in Clause 26.4, a change/ correction in the school leaving certificate, so as to make the entry consistent with the corresponding entries in the General Register of the School is permissible, which in fact is in consonance with (c) above."

06. The above findings would make it clear that the correction in the 'obvious mistakes' caused in the General Register can be made even after the student has left the school. Further, the change in school leaving certificate of such 'obvious mistake' is permissible to make the entries consistent with the corresponding entries in the General Register. The 'obvious mistake' has been explained by an illustration to mean a

mistake of the nature where the date of a particular month which does not exist in the calendar and likewise.

07. In the present case, it is not even the case of the petitioner that an obvious mistake has been committed while entering the caste of the petitioner in the school records including the General Register, leaving certificate etc. The only reason that has been assigned for causing such mistake is that it has been caused inadvertently. Such reason cannot be said to be an 'obvious mistake'. The law having been settled by the Full Bench as mentioned above, there is absolutely no merit in the petition. The same is liable to be dismissed and stands dismissed accordingly. Rule discharged.

[ANIL L. PANSARE,J.]

[RAVINDRA V. GHUGE,J.]